

Application No. 10/042,360

REMARKS

The rejection of Claims 1 to 27 under 35 U.S.C. 103(a) as being unpatentable over Chemical Abstract 122: 161603 is respectfully traversed.

The Examiner's comments on page 2 and the reference have been reviewed with the listed inventor Dr. Beng Ong, and it is not believed that the Examiner has established a prima facie case of obviousness. The head to tail copolymers of the Chemical Abstract reference are random polymers which is not the situation with the present invention, reference the formula of Claim 1, and moreover, the formula of Claim 1 includes A, B, A which the Examiner has not shown exists with the random copolymers of the Chemical Abstract reference. According to Dr. Beng Ong, the type of random copolymers of the Chemical Abstract reference are not regioregular. Moreover, the Examiner has indicated on page 2 of the Official Action that the disclosure of the reference differs from the instant claims, and accordingly, that is further basis for the patentability of the invention of the present application.

Also, the Examiner is directed to the lab Examples of the present application beginning on page 26, and more specifically, the Comparative Example on page 27 wherein a polythiophene, which is believed to be more closely related to the polythiophenes of Claim 1 of the present application than that of the Chemical Abstract reference, indicates a number of disadvantages from the data provided on page 28 including the reductions in the current on/off ratios over just a five day period further confirm the functional instability of the prior art polythiophene.

The provisional double patenting rejection on page 3 of the Official Action is respectfully traversed, particularly since the Examiner has not established a sufficient relationship between the claims of the present application and those of the copending applications. Nevertheless, to advance and expedite prosecution, Applicants are submitting herewith a


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Terminal Disclaimer whereby any patent resulting from the present application will expire simultaneously with the earliest expiration date of the copending applications 10/042,357 and 10/042,359, filed January 11, 2002, the same filing date of the present application.

Accordingly, it is respectfully urged that the Examiner reconsider his positions and allow the present application.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he is hereby authorized to call Eugene O. Palazzo, at Telephone Number 585-423-4687, Rochester, New York.

Respectfully submitted,


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Application No. 10/042,360

VERSION WITH MARKINGS TO SHOW CHANGES MADE:

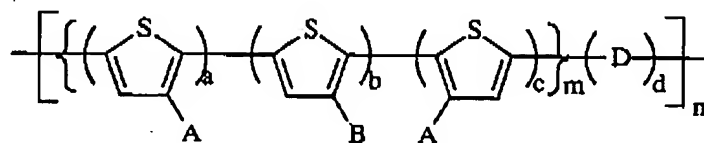
IN THE SPECIFICATION:

Page 1, line 6:

Illustrated in copending applications U.S. Serial No. [(not yet assigned - D/A1332)] 10/042,358, U.S. Serial No. [(not yet assigned - D/A1333)] 10/042,342, U.S. Serial No. [(not yet assigned - D/A1334)] 10/042,356, U.S. Serial No. [(not yet assigned - D/A1656)] 10/042,357, U.S. Serial No. [(not yet assigned - D/A1658)] 10/042,360, the disclosures of which are totally incorporated herein by reference, and filed concurrently herewith, all titled "Polythiophenes and Devices Thereof" and all filed January 11, 2002, are polythiophenes and devices thereof. The appropriate components, processes thereof and uses thereof illustrated in these copending applications may be selected for the present invention in embodiments thereof.

IN THE CLAIMS:

1. (Amended) A symmetrical polythiophene



(III)

wherein A is a side chain; B is hydrogen or a side chain; D is a divalent linkage; a and c represent the number of A-substituted thienylenes; b is the number of B-substituted thienylene segments; d is 0 or 1; and n represents the degree of polymerization [or the number of the monomer segments].

Claim 28 is new.